

AMENDMENT UNDER 37 C.F.R. § 1.111
Application No.: 10/727,993

Attorney Docket No.: Q78780

REMARKS

I. Status of the Application

By the present Amendment, Applicant amends claims 1-5 and 7. Applicant also hereby adds claims 8-19 to more fully cover various implementations of the invention. Claims 1-19 are all the claims pending in the Application, with claims 1 and 5 being in independent form. Claims 1-7 have been rejected.

The present Amendment addresses each point of objection and rejection raised by the Examiner. Favorable reconsideration is respectfully requested.

II. Formalities

Applicant thanks the Examiner for acknowledging the claim for priority under 35 U.S.C. § 119, and receipt of the certified copy of the priority document submitted on December 5, 2003.

Applicant thanks the Examiner for considering the references cited with the Information Disclosure Statements filed on December 21, 2006 and July 14, 2006, respectively.

However, the Examiner did not sign and forward a copy of the PTO SB/08 Form submitted by Applicant with the Information Disclosure Statement filed on December 5, 2003. Accordingly, Applicant respectfully requests that the Examiner sign the aforementioned PTO 1449 Form, initial the references cited therein, and return it along with the next office paper.

Applicant thanks the Examiner for indicating that the Formal Drawings filed on December 5, 2003 are accepted.

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III. Claim Rejections under 35 U.S.C. §103

The Examiner has rejected claims 1-7 under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent Publication No. 2002/0186406 to Phillips (hereinafter "Phillips") and further in view of U.S. Patent No. 7,058,892 to MacNaughton (hereinafter "MacNaughton"). Applicant respectfully traverses these rejections for *at least* the independent reasons stated below.

In order for the Examiner to maintain a rejection under 35 U.S.C. §103, the cited references must teach or suggest all of the recitations of claims 1-7. Applicant respectfully submits that Phillips, MacNaughton, and any combination thereof, fails to teach or suggest all of the recitations of claims 1-7.

A. Independent Claim 1

Independent claim 1 recites (among other things):

...a determining device which determines whether or not the user is notified of an advanced consumed level as to the consumable item whose consumed level is found to be in advanced stage...

...wherein when the consumable item whose consumed level is found to be in advanced stage has a setting that the notice as to advanced consumed level is limited to once within the predetermined period of time, and said notice as to advanced consumed level of the consumable item has not been given to the user within said predetermined period of time, then said determining device determines that the user is notified of the advanced consumed level; and

wherein when the consumable item whose consumed level is found to be in advanced stage has a setting that the notice as to advanced consumed level is limited to once within the predetermined period of time, and said notice as

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to advanced consumed level of the consumable item has already been given to the user within said predetermined period of time, said determining device determines that the user is not notified of the advanced consumed level.

The Examiner acknowledges that Phillips fails to teach or suggest all of the above features. Nevertheless, the grounds of rejection apply MacNaughton, alleging that MacNaughton remedies the deficient teachings of Phillips. Applicant respectfully disagrees with the grounds of rejection.

Claim 1 recites the feature of a printer control unit that notifies a user that a consumed level of a consumable item (e.g., toner) in a printer is found to be in an advanced stage. Claim 1 specifies that the printer control unit therein has a setting that indicates whether or not the notice as to advanced consumed level is limited to once within the predetermined period of time. Indeed, such a setting may be selected by the user so that the notice as to advanced consumed level is limited to once within the predetermined period of time (i.e., the user is notified only once during a predetermined period of time). Accordingly, the claimed setting avoids annoyance to the user in that unnecessarily repetitive notifications can be prevented.

In stark contrast to the recitations of claim 1, the portion of MacNaughton relied upon by the grounds of rejection merely teaches a system which displays information such as stock quotes, etc. that is obtained from a server. Column 7, lines 18-38. However, MacNaughton provides no teaching or suggestion whatsoever regarding the feature of determining whether or not the obtained information is notified to the user, as claimed. Therefore, MacNaughton does not teach, and cannot possibly suggest, the feature of determining whether or not the user is notified of an advanced consumed level as to a consumable item whose, as recited in claim 1.

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MacNaughton also fails to teach or suggest a function for stopping repeated notification once information is notified to the user, as further recited in claim 1. According to the invention recited in claim 1, an information obtaining device obtains information regarding a consumed level of a consumable item every predetermined period of time. Moreover, as recited in claim 1, even if the consumed level of a consumable item is found to be in advanced stage, if the stopping repeated notification setting is set, then the printer control unit determines whether notice has already been given to the user within said predetermined period of time and, if not, then the determining device determines that the user is notified of the advanced consumed level. That is, consistent with the invention recited in claim 1, the user is notified of the advanced consumed level only when a predetermined time period has passed after a previous warning. These features are completely different from the teachings of MacNaughton.

Accordingly, since both Phillips and MacNaughton fail to teach or suggest all the recitations of claim 1, Applicant submits that claim 1 is patentable over the cited references for *at least* these reasons. Further, the dependent claims 2-4 and 8-13 are allowable *at least* by virtue of their dependency. Thus, Applicant respectfully requests that the Examiner withdraw these rejections.

B. Independent Claim 5

In view of the similarity between the requirements of claim 5 and the requirements discussed above with respect to independent claim 1, Applicant respectfully submits that arguments analogous to the foregoing arguments as to the patentability of independent claim 1 demonstrate the patentability of claim 5. As such, it is respectfully submitted that claim 5 is patentably distinguishable over the cited references *at least* for reasons analogous to those

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presented above. Further, Applicant submits that the dependent claims 6-7 are allowable *at least* by virtue of their dependency on claim 5. Thus, the allowance of these claims is respectfully solicited of the Examiner.

IV. New Claims

New claims 8-19 have been added and are fully supported by *at least* FIG. 6 and page 16, line 15 -- page 21, line 19 of the originally filed specification. Claims 8-19 are patentable over the cited references *at least* by virtue of their dependency and by virtue of the recitations set forth therein.

V. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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